

Attorney Docket No. 179/172**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Proffitt et al.

Serial No: 07/600,154

Art Unit: 1623

Filed: October 19, 1990

Customer No. 25000

For: Improved Amphotericin B Liposome Preparation

A large, bold, slanted stamp that reads "COPY" with a small icon of a document with a checkmark to its left.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ASSOCIATE POWER OF ATTORNEY**

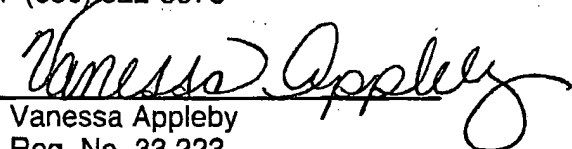
Please recognize as Associate Attorney(s) in this case:

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By:

  
Vanessa Appleby  
Reg. No. 33,223

Date: March 15, 2004

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**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this "New Application Transmittal" and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date March 16, 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 382657806 US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Robin Torres

(Type or print name of person mailing paper)

  
(Signature of person mailing paper)

**DECLARATION**  
**Utility Application**

LYON & LYON  
DOCKET INFORMATION

179/172

 **COPY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled IMPROVED AMPHOTERICIN B

LIPOSOME PREPARATION, the specification of which

**Check One**

☐ is attached hereto.

☒ was filed on November 12, 1987 as

Application Serial No. 119,518

and was amended on \_\_\_\_\_  
(if applicable)

I have read the applicable statutes and rules reprinted on the reverse side of this declaration which I understand to describe subject matter which is material under 37 CFR 1.56(a).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application Number	Country	Date of Filing	Priority Claimed	
			Yes ✓	No ✓
	NONE			

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Date of Filing	Status—Patented, Pending or Abandoned
	NONE	

201	FULL NAME OF INVENTOR	FIRST Name RICHARD				Middle Initial(s) T.	LAST Name PROFFITT	
	RESIDENCE & CITIZENSHIP	City Arcadia	State or Foreign Country California		Country of Citizenship United States			
	POST OFFICE ADDRESS	Post Office Address 11 N. Altura Rd.	City Arcadia	State or Country California		Zip Code 91006		
202	FULL NAME OF INVENTOR	FIRST Name JILL				Middle Initial(s)	LAST Name ADLER-MOORE	
	RESIDENCE & CITIZENSHIP	City Altadena	State or Foreign Country California		Country of Citizenship United States			
	POST OFFICE ADDRESS	Post Office Address 1221 E. Loma Alta Drive	City Altadena	State or Country California		Zip Code 91001		
203	FULL NAME OF INVENTOR	FIRST Name SU-MING				Middle Initial(s)	LAST Name CHIANG	
	RESIDENCE & CITIZENSHIP	City Canoga Park	State or Foreign Country California		Country of Citizenship United States			
	POST OFFICE ADDRESS	Post Office Address 22009 Napa St.	City Canoga Park	State or Country California		Zip Code 91304		
204	FULL NAME OF INVENTOR	FIRST Name				Middle Initial(s)	LAST Name	
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country		Country of Citizenship			
	POST OFFICE ADDRESS	Post Office Address	City	State or Country		Zip Code		
205	FULL NAME OF INVENTOR	FIRST Name				Middle Initial(s)	LAST Name	
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country		Country of Citizenship			
	POST OFFICE ADDRESS	Post Office Address	City	State or Country		Zip Code		
206	FULL NAME OF INVENTOR	FIRST Name				Middle Initial(s)	LAST Name	
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country		Country of Citizenship			
	POST OFFICE ADDRESS	Post Office Address	City	State or Country		Zip Code		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor  
201 *Richard Proffitt*  
Date *January 7, 1988*

Signature of Inventor  
202 *Jill P. Adler-Moore*  
Date *January 7, 1988*

Signature of Inventor  
203 *Su-Ming Chiang*  
Date *January 7, 1988*

Signature of Inventor  
204  
Date

Signature of Inventor  
205  
Date

Signature of Inventor  
206  
Date

(Signatures should conform to names as presented at 201 et seq. above.)

Applicant or Patentee: RICHARD T. PROFFITT

Serial or Patent No.: 119,518

Filed or Issued: 11-12-87

For: IMPROVED AMPHOTERICIN B LIPOSOME PREPARATION

Attorney's  
Docket No.: 179/172

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below;  
☒ an official of the small business concern empowered to act on behalf of the concern identified below;

NAME OF CONCERN: Vestar, Inc.

ADDRESS OF CONCERN: 939 East Walnut Street  
Pasadena, California 91106

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this Statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention,  
entitled IMPROVED AMPHOTERICIN B LIPOSOME PREPARATION

by inventor(s) RICHARD T. PROFFITT, JILL ADLER-MOORE, and SU-MING CHIANG  
described in

- ☐ the specification filed herewith.  
☒ application Serial No. 119,518, Filed 11-12-87  
☐ Patent No. \_\_\_\_\_, Issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Roger J. Crossley, M.D.

TITLE OF PERSON OTHER THAN OWNER President & C.E.O.

ADDRESS OF PERSON SIGNING 939 East Walnut Street, Pasadena, California 91106

DATE OF SIGNATURE: January 7, 1988

SIGNATURE: \_\_\_\_\_